

§ 61.2

from personal tort liability in connection with their authorized activities, and (b) establishes procedures to be followed in providing such relief.

§ 61.2 Applicability.

The provisions of this Directive apply to the Office of the Secretary of Defense, the Military Departments, and all other Department of Defense Components.

§ 61.3 Delegation of authority.

(a) The authority vested in the Secretary of Defense by title 10 U.S.C. section 1089(f) hold harmless or provide liability insurance for Department of Defense health care personnel is hereby delegated to:

(1) The Secretary of each Military Department for military members and civilian employees of his Department, and

(2) The Secretary of the Army for civilian employees of the Office of the Secretary of Defense and Department of Defense Components other than the Military Departments (see DoD Directive 5515.9).¹

(b) The authority delegated above may be redelegated as appropriate and necessary to carry out the provisions of title 10, U.S.C., section 1089(f).

§ 61.4 Procedures.

(a) In all cases under title 10 U.S.C. section 1089, medical personnel shall be required to:

(1) Promptly forward all process served upon them or attested true copies thereof to the appropriate official designated by the Secretary of the Military Department concerned;

(2) Furnish such other information and documents as the Attorney General may request; and

(3) Comply with the directions of the Attorney General relative to the final disposition of a claim for damages.

(b) The procedures set forth in title 10 U.S.C. section 2733 and regulations issued pursuant thereto shall be utilized in determining costs, settlements,

¹Filed as part of original. Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120 Attention: Code 301.

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or judgments under title 10 U.S.C. section 1089(f).

PART 62b—DRUNK AND DRUGGED DRIVING BY DoD PERSONNEL

Sec.

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APPENDIX 1 TO PART 62b—DRIVER'S LICENSE INFORMATION (SAMPLE LETTER)

APPENDIX 2 TO PART 62b—STATE DRIVER'S LICENSE AGENCIES

AUTHORITY: 10 U.S.C. 131.

SOURCE: 48 FR 41581, Sept. 16, 1983, unless otherwise noted.

§ 62b.1 Purpose.

This part:

(a) Establishes DoD policy regarding drunk and drugged driving by DoD personnel (hereafter referred to as “intoxicated driving”).

(b) Assigns responsibility for and explains DoD policy and procedures on the establishment and operation of the DoD Intoxicated Driving Prevention Program, which is designed to address the problem of and increase the awareness and attention given to intoxicated driving by DoD personnel.

(c) Establishes the DoD Intoxicated Driving Prevention Task Force (DIDPTF).

§ 62b.2 Applicability.

This part applies to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to collectively as “DoD Components”). The term “Military Services,” as used herein, refers to the Army, Navy, Air Force, and Marine Corps.

§ 62b.3 Policy.

(a) Intoxicated driving is incompatible with the maintenance of high standards of performance, military discipline, DoD personnel reliability, and

readiness of military units and supporting activities. It is DoD policy to reduce significantly the incidence of intoxicated driving within the Department of Defense through a coordinated program of education, identification, law enforcement, and treatment. Specifically, the goal of the DoD Intoxicated Driving Prevention Program is to reduce the number of fatalities and injuries suffered by DoD personnel and the amount of property damage that result from intoxicated driving. Persons who engage in intoxicated driving, regardless of the geographic location of the incident, have demonstrated a serious disregard for the safety of themselves and others. It is appropriate for military commanders, in the exercise of their inherent authority, to protect the mission of an installation and the safety of persons and property therein to restrict driving privileges of persons who engage in such actions.

(b) The Department of Defense shall participate in the national effort to prevent intoxicated driving by maintaining appropriate relationships with other governmental agencies and private organizations and shall cooperate with responsible civil authorities consistent with statutory and regulatory constraints in detecting, identifying, apprehending, prosecuting, educating, and counseling intoxicated drivers and in reporting cases as required by State laws and applicable Status of Forces Agreements.

§ 62b.4 Procedures.

(a) *Education and training.* (1) The Military Services shall provide drug and alcohol education that focuses on intoxicated driving for each of the following: law enforcement, public information, emergency room, and safety personnel. Club managers, bartenders, and waitresses serving alcoholic beverages and Class VI or package sales personnel shall receive annual refresher training. In addition, leadership curricula at all levels (PCO/PXO indoctrination, training for judge advocates and military judges, and officer and noncommissioned officer schools) shall include specific information and a review of current Military Service policy on intoxicated driving.

(2) Other DoD Components shall provide similar instruction in conjunction with the training and education requirements of part 62a of this title.

(3) DoD Components shall cooperate, to the extent feasible and permitted by law and regulation, with community leaders and existing grassroots organizations that are working to combat intoxicated driving, in planning and implementing local education efforts.

(b) *Suspension of driving privileges.* Each DoD Component of its supporting agency that regulates driving privileges shall establish procedures for mandatory suspension of driving privileges on military installations and in areas subject to military traffic supervision. They shall establish procedures for acquiring arrest reports and other official documentation of intoxicated driving incidents consistent with applicable laws and regulations. Such procedures shall be sufficiently flexible to meet local needs.

(1) Military personnel and their family members, retired members of the Military Services, DoD civilian personnel, and others with installation driving privileges may have those driving privileges suspended, regardless of the geographic location of an intoxicated driving incident.

(i) Suspension is authorized for non-DoD civilians only with respect to incidents occurring on the military installation or in areas subject to military traffic supervision.

(ii) With respect to DoD civilian personnel covered by a negotiated agreement, a suspension under this paragraph may be reviewed only to the extent required by the negotiated agreement applicable to the affected employee. Such matters mandatorily are excluded from DoD Component administrative grievance procedures. A grievance under such a procedure will not delay imposition of a preliminary or 1-year suspension of driving privileges.

(iii) A notice of suspension will not become effective until 24 hours after the incident for which a suspension is imposed. However, this provision does not preclude appropriate action to prevent an intoxicated person from operating a motor vehicle, nor does it affect the validity of an earlier suspension imposed on the same individual.